IN THE HIGH COURT OF JUDICATURE AT BOBBY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 4748 OF 2004

Dayanand Virpakshayya Wadikar & Anr. ..Applicants.

V/s.

The State of Maharashtra .. Respondent.

Shri Tanaji E. More for the Applicants.
Shri D.R. More, APP for Respondent.

CORAM : A.M.KHANWILKAR, J.
DATED : 04.11.2004

PC :-

. Heard the learned counsel for the parties. Perused the record.

2. The Ld. APP fairly accepts that the role ascribed to the applicants before this court is limited to having reported the where- abouts of the deceased to the main accused Raju Vidhate. If it is so, the applicants are entitled for grant of bail. Indeed investigation is still in progress and the main accused is absconding. Merely because the main accused is absconding, that cannot be a ground to refuse bail to the applicants particularly when their role is limited to disclosing the whereabouts of the deceased. In the circumstances, the applicants can be enlarged on bail by imposing strict conditions in the

following manner :-

i. The applicants are enlarged on bail in connection with C.R. No. 643/2004 registered with Pangri Police Station, on executing personal bond in the sum of Rs.25,000/- (Rs. Twenty -Fifty thousand only) with one or two local sureties in the like amount.

ii. The applicants shall not enter the village Yenegur, Tal. Umerga, Dist. Osmanabad, to be precise the jurisdiction of Omerga police station during the pendency of the trial as the concerned witnesses are from that village.

iii. The applicants shall co-operate for early disposal of the trial. If the trial court is of the opinion that the applicant is unnecessarily delaying the trial, that fact be recorded in the Rozanama, which can be a ground for cancellation of the bail.

vi. The applicants shall not influence the prosecution witness or tamper with the prosecution evidence in any manner whatsoever.

3. Order accordingly.

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